

CANADA-ALBERTA IMMIGRATION AGREEMENT

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AGREEMENT entered into this *5th* day of *November* A.D. 1985

BETWEEN:

THE GOVERNMENT OF CANADA, as represented by the Minister of Employment and Immigration (hereinafter called "Canada").

PARTY OF THE FIRST PART

AND:

THE GOVERNMENT OF THE PROVINCE OF ALBERTA, as represented by the Minister of Manpower (hereinafter called "the Province").

PARTY OF THE SECOND PART


WHEREAS Section 95 of the Constitution Act, 1867, recognizes the concurrent powers of legislation of the federal and provincial governments in immigration matters; and

WHEREAS Section 7 of the Immigration Act, 1976, requires that Canada consult with the provinces concerning regional demographic needs and labour market considerations before reporting annually to Parliament its determination with respect to future immigration levels; and

WHEREAS Subsection 109(1) of the Immigration Act, 1976, requires that Canada consult with the provinces respecting the measures to be undertaken to facilitate the adaptation of permanent residents to Canadian society and the pattern of immigrant settlement in Canada in relation to regional demographic requirements; and

WHEREAS Subsection 109(2) of the Immigration Act, 1976, authorizes the Minister, with the approval of the Governor in Council, to enter into agreements with any province or group of provinces for the purpose of facilitating the formulation, co-ordination and implementation of immigration policies and programs; and

WHEREAS Section 8 of the Province's Department of Manpower Act authorizes the Minister of Manpower to enter into agreements on or in connection with demographic matters and any other policies, programs, services or other matters under his administration; and



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WHEREAS Section 9 of the Province's Department of Manpower Act gives the Minister of Manpower the responsibility for programs and services of the Government of Alberta relating to immigration to Alberta; and

WHEREAS Canada and the Province recognize that the establishment of immigrants in Alberta should contribute to Canada's and Alberta's social, cultural and economic enrichment, taking into account the Province's efforts to promote manageable economic and population growth, as well as those economic development objectives which are held to be a priority of the Province; and

WHEREAS Canada and the Province recognize the importance of the reunification of families and desire to assume their respective responsibilities in receiving immigrants on humanitarian grounds, especially refugees; and

WHEREAS Canada and the Province recognize that their respective roles in the successful settlement and adaptation of newly arrived immigrants requires the commitment and co-operation of both governments;

NOW THEREFOR THE PARTIES AGREE AS FOLLOWS:

I. PURPOSE OF THE AGREEMENT

The purpose of this Agreement is to delineate the roles and responsibilities of the parties to this Agreement, consistent with the provisions of Section 95 of the Constitution Act, 1867, and with the provisions of the other laws of Canada and Alberta heretofore cited, and to ensure co-operation on matters related to immigration and settlement which affect the Province in order to ensure effective planning, development of policy and management of programs relating to immigration and settlement.

II. DEFINITIONS

- 1) Unless otherwise defined in this Agreement, words defined in the Immigration Act, 1976, and in the Regulations thereunder have the same meaning when used in this Agreement.
- 2) "Consultation" means a process whereby, on all matters covered under this Agreement, each party shall, to the greatest extent possible:

- a) inform the other party of any proposed policy change or action and provide all information bearing on the matter; and
 - b) give reasonable opportunity to the other party for discussion and response.
- 3) "Refugee" means a person who is a Convention refugee or who is a member of a Designated Class.
- 4) "Designated Class" means a class of immigrants designated by the Governor in Council as a class, the admission of members of which would be in accordance with Canada's humanitarian tradition with respect to the displaced and persecuted and who may be granted admission subject to special regulations which have been, or may be, established by the Governor in Council for this purpose.

III. JOINT COMMITTEE ON IMMIGRATION

- 1) The parties to this Agreement hereby agree to establish a Joint Committee on Immigration whose function is to give effect to this Agreement. The Joint Committee shall consist of three members appointed by the Province's Department of Manpower and three members appointed by the Canada Employment and Immigration Commission. The Joint Committee shall be co-chaired by the Deputy Minister of Manpower and the Director General of the Canada Employment and Immigration Commission, Alberta and Northwest Territories Region. The Joint Committee shall meet annually, or more often as agreed upon.
- 2) To give operational effect to this Agreement, the Joint Committee shall establish and direct an Implementation Committee. The Implementation Committee shall consist of an even number of members, not to exceed eight, of whom one half shall represent the Province and one half shall represent Canada. This Committee shall be co-chaired by representatives appointed by the Joint Committee.
- 3) The Joint Committee may establish other sub-committees as required.

- 4) Consistent with the terms of this Agreement, the Joint Committee shall take such action as it deems necessary to carry out the provisions of the Agreement, and, without limiting the generality of the foregoing shall:
- (a) ensure the intent of the Agreement is adhered to;
 - (b) harmonize activity to achieve the economic, demographic and socio-cultural objectives of Canada and the Province with respect to matters herein referred to;
 - (c) co-ordinate the application of the policies of Canada and the Province with respect to immigration and settlement, taking into account the social, cultural and economic objectives of the parties;
 - (d) plan, review, and, to the greatest extent possible, co-ordinate the provision of settlement services, such as grants in support of the voluntary sector, language training or other measures necessary to address the needs of immigrants to Alberta;
 - (e) exchange information on initiatives intended by Canada or the Province;
 - (f) provide for the expression of views on future immigration levels and on any immigration related matter;
 - (g) ensure that both parties are given sufficient notice and invitation to participate in all consultations of a significant nature with the private and voluntary sectors which may affect any immigration or settlement matter in Alberta;
 - (h) initiate joint research and evaluation on shared program elements related to immigration and settlement;
 - (i) interpret the provisions of this Agreement and review other matters relating to this Agreement that may arise from time to time; and
 - (j) make recommendations on future amendments to this Agreement.

IV. EXCHANGE OF INFORMATION

Subject to paragraphs (1) and (2) below, Canada and the Province will exchange relevant information and consult on all matters related to immigration and the admission, adaptation and settlement of foreign nationals, including communications with the private and voluntary sectors, which will affect Canada or the Province.

- 1) Any personal information to be released by Canada to the Province shall be governed by the agreement between Canada and the Province made pursuant to paragraph 8(2)(f) of the Privacy Act and dated the 24th day of June, 1984. Where the information to be released to the Province has been obtained from any person under the Unemployment Insurance Act, 1971, the Minister of Employment and Immigration deems it advisable to disclose such information to the Province for the purpose of this Agreement provided only that the Province agrees to respect the confidentiality of such information.
- 2) Any personal information to be released by the Province to Canada shall be governed by the provisions of the law of Alberta applicable in such cases and Canada agrees to respect the confidentiality of such information.

V. SELECTION AND ADMISSION OF IMMIGRANTS

- 1) In accordance with the stated purposes of this Agreement, Canada will, in assessing the applications of persons for permanent residence where the intended destination is Alberta, act in accordance with the following:

2) Independent Immigrants

a) In selecting independent immigrants, Canada will observe the following factors:

- i) the ability of the applicant to establish successfully in Canada and Alberta;
- ii) the compatibility of the selection with Canada's and the Province's socio-economic objectives; and
- iii) the cultural, social or economic contribution that the applicant will make to Canada and Alberta.

b) Selected Workers

Canada will consult with the Province on its labour market needs and the Province will identify labour market considerations which Canada will take into account in its assessment of the need for selected workers.

c) Entrepreneurs and Self-employed Persons

The Province acknowledges that Canada is responsible for selecting and admitting persons to Canada and for establishing selection criteria that define all categories of immigrants. Canada will provide the Province with all applications from abroad by prospective entrepreneurs and self-employed persons interested in establishing themselves in Alberta. Canada agrees to abide by the Province's decision on the business viability of entrepreneurial proposals and further agrees to admit entrepreneurs and self-employed persons which the Province approves where no medical, criminal, security, enforcement or national interest considerations preclude their admission.

d) Assisted Relatives

Given the need to ensure that guarantors are able to fulfill their obligations, Canada and the Province will, through the Joint Committee, establish financial criteria to be considered by Canada in assessing the ability of permanent residents or Canadian citizens residing in Alberta to assist their relatives.

3) Refugees

a) Consistent with their humanitarian concerns, Canada and the Province will jointly plan for the settlement and adaptation of refugees destined to or residing in Alberta.

b) Given the need to ensure that sponsors are able to fulfill their obligations, Canada and the Province will on an annual basis, through the Joint Committee, consult on the financial and related criteria to be applied by Canada in assessing the ability of a group of residents or organization in Alberta to assist or sponsor a refugee.

4) Family Class

Given the need to ensure that sponsors are able to fulfill their obligations, Canada and the Province will, through the Joint Committee, establish financial criteria to be considered by Canada in assessing the ability of permanent residents of Alberta to sponsor their relatives.

VI. VISITORS AND PERMIT HOLDERS

Canada and the Province agree that:

1) Students

Visitors seeking to enter Canada for the purpose of study or training in Alberta must have the consent in writing of the Government of Alberta, unless an institution or program of study has been approved in advance by the Government of Alberta, or unless the study or training is offered under the authority of an Act of the Parliament of Canada, or arises out of Canada's international commitments.

2) Permit Holders

Canada will consult with the Province before approving the initial issuance of Minister's permits to allow individuals destined to Alberta to come into or stay in Canada for the purpose of temporary or permanent residence when such persons are within the inadmissible classes described in Paragraphs 19(1)(a) or 19(1)(b) of the Immigration Act, 1976. Persons claiming Convention refugee status from within Canada are exempted from the provisions of this paragraph.

3) Seasonal Workers and International Exchanges

The Canada Employment and Immigration Commission and the Province's Department of Manpower will exchange all information necessary for the planning, implementation and evaluation of temporary and seasonal worker movements and international exchange programs.

VII. SETTLEMENT

Consistent with the legislation of Canada and the Province, and subject to the provision of funds therefor by the Parliament of Canada and the Legislature of Alberta, the parties agree to share responsibility for the settlement and adaptation of all permanent residents. Canada and the Province further agree that the Joint Committee shall develop and implement a plan to provide such services and opportunities, which:

- 1) delineates the responsibilities of the parties to this Agreement with respect to addressing the settlement and adaptation needs of permanent residents, including the provision of basic support to indigent permanent residents;
- 2) is flexible in responding to the settlement, adaptation and other needs of permanent residents in Alberta, including such special measures as may be required;

- 3) provides for multi-year planning cycles;
- 4) includes meaningful integrated federal and provincial planning and evaluation activities;
- 5) simplifies and rationalizes the administrative and funding arrangements that the parties have with voluntary organizations whose objectives are the effective adaptation and settlement of permanent residents;
- 6) assures access to language training for all adult permanent residents, consistent with the intent of this Agreement and the priorities of Canada and the Province;
- 7) takes into account the services and support for the settlement and integration of immigrants provided for by the parties to this Agreement and by other federal or provincial departments or agencies.

VIII. GENERAL

- 1) Canada and the Province undertake to set up mechanisms and to implement measures necessary to give effect to the intent of this Agreement.
- 2) This Agreement shall come into force on the date of its signature by both contracting parties or, if not signed on the same date, on the date of the latter signature, and shall be in effect for a period of three years from such date.
- 3) This Agreement may be amended by agreement in writing by both parties.
- 4) This Agreement may be extended for subsequent periods of three years at a time upon mutual consent in writing by both parties.
- 5) Either party may terminate this Agreement at any time upon providing six months notice in writing to the other party.
- 6) Pursuant to Section 20 of the Senate and House of Commons Act, it is an express condition of this Agreement that no member of the House of Commons shall be admitted to any share or part of this Agreement, or to any benefit arising therefrom.

IN WITNESS WHEREOF this Agreement has been signed on behalf
of Canada, this *5th* day of *November*, A.D. 198*5*.

W. Mann
WITNESS

Sheila MacDermid
MINISTER OF EMPLOYMENT
AND IMMIGRATION

G. L.
WITNESS

Walter Diefenbaker
MINISTER OF STATE
(IMMIGRATION)

AND IN WITNESS WHEREOF this Agreement has been signed on
behalf of the Province this *5th* day of *November*, A.D. 198*5*

Franklin
WITNESS

Ernie Isley
MINISTER OF MANPOWER

Approved pursuant to the Province's Department
of Federal and Intergovernmental Affairs Act

James Stewart
MINISTER OF FEDERAL AND INTERGOVERNMENTAL
AFFAIRS OF ALBERTA

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